

# EXHIBIT 5

**From:** [Feinberg, David L.](#)  
**To:** [Lauren Ice](#)  
**Cc:** [Marisa Perales](#); [Welti, Tyler G.](#); [SpaceX Venable](#)  
**Subject:** RE: Save RGV federal complaint - SpaceX Boca Chica launch  
**Date:** Thursday, October 10, 2024 3:43:37 PM

---

Lauren -

Thank you for your e-mail.

As we discussed, SpaceX does not control the FAA license process, but SpaceX does intend to proceed promptly if and when it receives a license for Flight 5.

I understand that Save RGV intends to move forward with a motion. I urge your client to reconsider in light of TCEQ's approval for SpaceX to use the system, its determination that the system doesn't cause harm, and that Save RGV's complaint alleges harm to a geographic area on the wrong side of the Starbase that is opposite to the location where the deluge system operates. I also urge your client to reconsider in light of the significant financial and other harms that would occur to SpaceX if SaveRGV's belated, last-minute injunctive relief is granted. Please let me know if SaveRGV will reconsider. Until then, under the circumstances SpaceX reserves all of its rights, including potentially seeking sanctions for Save RGV's positions that apparently lack legal and factual support.

I can confirm that SpaceX sees no reason to delay a launch after receiving FAA approval.

Finally, should the Court contact you regarding scheduling a hearing I am en route to Brownsville and will be available to appear in person.

Dave

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

---

**From:** Lauren Ice <[lauren@txenvirolaw.com](mailto:lauren@txenvirolaw.com)>  
**Date:** Thursday, Oct 10, 2024 at 12:02 PM  
**To:** Feinberg, David L. <[DLFeinberg@Venable.com](mailto:DLFeinberg@Venable.com)>  
**Cc:** Marisa Perales <[marisa@txenvirolaw.com](mailto:marisa@txenvirolaw.com)>, Welti, Tyler G. <[TGWelti@Venable.com](mailto:TGWelti@Venable.com)>, SpaceX Venable <[SpaceX\\_Venable@Venable.com](mailto:SpaceX_Venable@Venable.com)>  
**Subject:** Re: Save RGV federal complaint - SpaceX Boca Chica launch

**Caution: External Email**

Thank you, Dave.

Is SpaceX still planning to launch with the deluge system as early as Sunday? If that is the case, then we will have to plan to ask the court for immediate relief. I am assuming your client is opposed, but wanted to confer as to whether SpaceX would wait to launch until it has its permit, or even until a preliminary injunction can be fully briefed and decided - is either a

possibility?

Thank you,  
Lauren

On Thu, Oct 10, 2024 at 8:27 AM Feinberg, David L. <[DLFeinberg@venable.com](mailto:DLFeinberg@venable.com)> wrote:

Lauren –

Good morning.

Thank you for sending a copy of the Complaint, which we will review.

Yes, SpaceX will agree to waive service with the usual federal form.  
<https://www.uscourts.gov/sites/default/files/ao399.pdf>. We will promptly complete it using today's date.

Following up on our discussion last night, I ask that you please communicate to me before 12 ET today if Save RGV intends to file a TRO or Preliminary Injunction this week. As I explained, it's a significant amount of travel and I would need to completely upend my schedule to appear in Brownsville by tomorrow. Thank you for extending this professional courtesy.

Lastly, as we discussed and as you are aware, TCEQ conducted a technical review of the system, determined that its use does not impose risk to the environment, and permits its continued use. Save RGV's case is unwarranted, and SpaceX will defend against it vigorously. SpaceX reserves and preserves all of its rights and remedies, including seeking attorneys' fees from Save RGV as a prevailing party under 33 USC 1365.

Dave

David L. Feinberg, Esq. | Venable LLP  
t 202.344.8278 | f 202.344.8300 | m 301.395.7080  
600 Massachusetts Avenue, NW, Washington, DC 20001

[DLFeinberg@Venable.com](mailto:DLFeinberg@Venable.com) | [www.Venable.com](http://www.Venable.com)

---

**From:** Lauren Ice <[lauren@txenvirolaw.com](mailto:lauren@txenvirolaw.com)>  
**Sent:** Wednesday, October 9, 2024 10:11 PM  
**To:** Feinberg, David L. <[DLFeinberg@Venable.com](mailto:DLFeinberg@Venable.com)>  
**Cc:** Marisa Perales <[marisa@txenvirolaw.com](mailto:marisa@txenvirolaw.com)>; Welty, Tyler G. <[TGWelty@Venable.com](mailto:TGWelty@Venable.com)>  
**Subject:** Re: Save RGV federal complaint - SpaceX Boca Chica launch

**Caution: External Email**

Dave, thanks for reaching out earlier. Attached is a copy of the complaint filed today. Will your client agree to waive service?

Thanks,

Lauren

On Wed, Oct 9, 2024 at 5:17 PM Feinberg, David L. <[DLFeinberg@venable.com](mailto:DLFeinberg@venable.com)> wrote:

Hi, Lauren –

I just tried reaching you at the office. Can we talk briefly? I'm available at 301-395-7080, which is my cell. I just provided it to Mahita, as well.

Dave

David L. Feinberg, Esq. | Venable LLP  
t 202.344.8278 | f 202.344.8300 | m 301.395.7080  
600 Massachusetts Avenue, NW, Washington, DC 20001

[DLFeinberg@Venable.com](mailto:DLFeinberg@Venable.com) | [www.Venable.com](http://www.Venable.com)

---

**From:** Lauren Ice <[lauren@txenvirolaw.com](mailto:lauren@txenvirolaw.com)>  
**Sent:** Wednesday, October 9, 2024 5:14 PM  
**To:** Feinberg, David L. <[DLFeinberg@Venable.com](mailto:DLFeinberg@Venable.com)>  
**Cc:** Marisa Perales <[marisa@txenvirolaw.com](mailto:marisa@txenvirolaw.com)>; Welty, Tyler G. <[TGWelty@Venable.com](mailto:TGWelty@Venable.com)>  
**Subject:** Save RGV federal complaint - SpaceX Boca Chica launch

**Caution: External Email**

Good afternoon, Dave,

We only just learned that SpaceX conducted static fire tests yesterday at its Boca Chica Launch Site and has been making plans to conduct its fifth Starship launch this upcoming weekend, all without CWA coverage for its deluge system. Given the timing, we are planning to file the federal complaint later today. Can you tell me whether your client will, in fact, be proceeding with the fifth launch this weekend? I will share a copy of the complaint, once it's finalized and filed.

Thank you,

Lauren

--

Lauren Ice

Attorney

Perales, Allmon & Ice, P.C.  
1206 San Antonio Street, Austin, Texas 78701  
Phone: (512) 469-6000 | Fax: (512) 482-9346

NOTICE: This and any attached documents are intended only for the use of the individual or entity to whom this is addressed and may contain information that is privileged, confidential, or work product and exempt from disclosure under applicable law. If you are not the intended recipient or agent thereof, any use, dissemination, distribution, or copying of this communication is strictly prohibited, and you are hereby requested to telephone the sender immediately of the error and to delete this message and attached documents and destroy any printed copies thereof. Thank you.

\*\*\*\*\*

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

\*\*\*\*\*

--

Lauren Ice

Attorney

Perales, Allmon & Ice, P.C.  
1206 San Antonio Street, Austin, Texas 78701  
Phone: (512) 469-6000 | Fax: (512) 482-9346

NOTICE: This and any attached documents are intended only for the use of the individual or entity to whom this is addressed and may contain information that is privileged, confidential, or work product and exempt from disclosure under applicable law. If you are not the intended recipient or agent thereof, any use, dissemination, distribution, or copying of this communication is strictly prohibited, and you are hereby requested to telephone the sender immediately of the error and to delete this message and attached documents and destroy any printed copies thereof. Thank you.

\*\*\*\*\*

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

\*\*\*\*\*

--

Lauren Ice

Attorney

Perales, Allmon & Ice, P.C.  
1206 San Antonio Street, Austin, Texas 78701  
Phone: (512) 469-6000 | Fax: (512) 482-9346

NOTICE: This and any attached documents are intended only for the use of the individual or entity to whom this is addressed and may contain information that is privileged, confidential, or work product and exempt from disclosure under applicable law. If you are not the intended recipient or agent thereof, any use, dissemination, distribution, or copying of this communication is strictly prohibited, and you are hereby requested to telephone the sender immediately of the error and to delete this message and attached documents and destroy any printed copies thereof. Thank you.